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becca Ball

UNITED STATES PATENT AND TRADEMARK OFFICE

Group:

1614

Confirmation No.:

8145

Application No.:

09/836,567

Invention:

METHODS FOR IDENTIFYING

AND TREATING RESISTANT

TUMORS

Applicant:

Sawyer et al.

Filed:

April 17, 2001

Attorney

Docket:

3051-67789

Examiner:

Goldberg, Jerome D.

Certificate Under 37 CFR 1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Assistant Commissioner for Patents,

Washington, D.C. 20231

on January 22, 2003

Rebecca L. Ball

(Printed Name)

TRANSMITTAL OF SUPPLEMENTAL DECLARATION & POWER OF ATTORNEY AND STATEMENT UNDER 37 C.F.R. § 1.63(d)(2)

The Assistant Commissioner for Patents Washington, D.C. 20231

Attn: Box RCE

Sir:

The captioned application was filed by Express Mail on April 17, 2001 as a continuation of prior U.S. Application Serial No. 08/793,659 (the '659 application). The captioned application was filed without a signed Declaration and Power of Attorney. A Notice to File Missing Parts of Nonprovisional Application was mailed on May 9, 2001. As permitted under 37 C.F.R. § 1.63(d)(1), in response to the Notice a copy of the Declaration and Power of Attorney filed in the prior '659 application was submitted to the Office on July 26, 2001.

A Notice of Allowance was issued in the captioned application on October 22, 2002. In reviewing the file in preparation for payment of the issue fee, it was noted that the copy of the Declaration and Power of Attorney submitted in the captioned application in response to the Notice to File Missing Parts of Nonprovisional Application was an incomplete copy of the Declaration and Power of Attorney filed in the '659 application. The prior Declaration was signed in two parts and only one part was apparently filed in reaponse to the Notice of Missing Parts. Accordingly, the accompanying Request for Continued Examination is being filed to submit, for the captioned application, a complete copy of the Declaration and Power of Attorney filed in the prior '659 application. A copy of both parts of the Declaration and Power of Attorney filed in the '659 application is transmitted herewith.

Furthermore, it is noted that the inventors of the subject matter of the originally filed claims in the captioned application are Jason Scott Sawyer, Stephen M. Spaethe, and James Jacob Starling. They were named as inventors on the unsigned declaration that accompanied the captioned application as filed. The prior (parent) '659 application (and the declaration filed in that case) named six inventors including inventors Sawyer, Spaethe, and Starling. When the copy of the '659 declaration was sent in response to the Notice to File Missing Parts of Nonprovisional Application, Applicants' attorney inadvertently failed to include a statement requesting the deletion of Gabriele Jedlitschky, Inka Leier, and Dietrich Keppler as named inventors as specified under 37 C.F.R. § 1.63(d)(2) resulting in the Office issuing a new filing receipt listing six inventors rather than the three inventors named on the original filing receipt. Accordingly, the request under 37 C.F.R. § 1.63(d)(2) is made herein. Applicants hereby request that Gabriele Jedlitschky, Inka Leier, and Dietrich Keppler be deleted as inventors in the captioned application.

Applicants believe that no fees are required with this submission. If any fees are required, the Assistant Commissioner is hereby authorized to charge the same to the account of Barnes & Thornburg, Deposit Account No. 10-0435, with reference to our matter 3051-67789.

Respectfully submitted,

Steven R. Lammert Registration No. 27,653 Attorney for Applicant

SRL:glt (317) 231-7258 Indianapolis, Indiana 46204

Express Mail No.: Part 2 of 2

EM1522351370S

PTO/53/105 (8-85)
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> Declaration and Power of Attorney for Patent Application Erklärung für Patentanmeldungen mit Vollmacht

German Language Declaration

TO TRADEM نقو علم nd benannter Erfinder erkläre ich hiermit an Eides

As a below named inventor, I hereby declare then

das mein Wohnsitz, meine Postanschrift und meine Stantumgahörigkeit den im nachstehenden nach meinem Namen anfgefilhren Angaben emsprechen, daß ich nach bestem Wissen der unsprilingliche, enne und alleinige Erfinder (falls nachstehend nur ein Name angegeben ist) oder ein ursprünglicher, erster und Minerfinder (falls machstehend mehrers Namen sufgeführt sind) des Gegenstandes bin, fitr den dieser Antrag gestellt wird und für den ein Patent für die Erfindung mit folgendem Thei benntragt wird:

My residence, post office address and elementally are as stand next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is cisioned and for which a puters is sought on the invention emitted

deren Beschreibung hier beigefügt ist, es sei dem (in diesem Falle Zoureffendes bitte ankreuzen), diese Erfindung

wurde ancemeldet am unter der US-Anmeidentremer oder teter der Internationalen Anmeidenummer im Rahmen des Vertrags über die Zusammenarbeit auf dem Gebiet des Patentwesens (PCT) nnd ma

sbestndert (falls znueffend).

Ich bestätige blermit, daß ich den Inhalt der oben angegebenen Patensammeldung, einschließlich der Amsprüche, die eventuell durch einen oben erwähmen Zusatzenung abgeinden wurde, durchgesehen und verständen habe.

ich erkenne meine Pilicht zur Offenbarung jeglicher informationen an, die zur Prüfung der Patentibligieit in Binking nit Titel 37, Code of Federal Regulations, § 1.56 von Beisng

METHODS FOR IDENTIFYING AND TREATING RESISTANT TUMORS

the specification of which is attached hereto unless the following box is checked:

(31.08.95)

was filed on _ <u>31 August</u> 1995 PC International Application Number PCT/US95/11125 and was amended on 09.05.96 and 28 OR 96 (if applicable).

I hereby such that I have reviewed and understand the contents of the above identified specification, including the claims, so amended by any amendment referred to above.

I acknowledge the duty to disclose information which is meastral to patentability as defined in Title 37, Code of Padezal Regulations, § 1.56.

(Page 1 of 5)

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Prior Foreign Applications (Frühere ausländische Anneldungen)

P 44 32 563.0 Germany (DE)
(Color)
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(Number) (Country)

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28/298,644 . 31 August 1994 (31.08.94)

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I harsby claim the beach: under This 15, Upited States Code, § 119(a) of any United States provisional application(s)listed below.

Thereby distins the benefit under This 35, United States Code, \$ 120 of any United States application(c), or \$ 365(a) of any PCT Learnational application designating the United States, listed below and, insuring as the subject matter of each of the chians of the application is not discipled in the prior United States or PCT International application in the manner provided by the first paragraph of This 25, United States Code, \$ 112, 1 acknowledge the duty to disciple information which is misseaid to passentially as defined in This 37, Code of Federal Regulations, \$ 1.56 which became switchis between the filing date of the prior application and the national or PCT International filing date of this application.

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PTO/SB/103 (8-96)

X-9776A

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German Language Declaration

and, Reg. No. 20904; Richard D. Conard, J. No. 27321; Steven R. Lammert, Reg. No. 53; John P. Breen, Reg. No. 38833; Mark
Correspondence to: Steven R. Lammert BARNES & THORNBURG
1313 Merchants Bank Buildin t Telephone Calls to: (name and telephone number) Indianapolis, IN 46204 (317) 638-1313
(

Vor- und Zuname des einzigen oder ersten Erfinders	Full name of sole or first inventor Jason Scott SAWYER
Unterschrift des Erfinders Datum	Inventor's signature Date Day/Month/Ye
Wohnsitz	Residence US
Staatsangehörigkeit	Citizenship US
Postanschrift	Post Office Address 5718 North Winthrop Aver Indianapolis, IN 46220
	US
Vor- und Zuname des zweiten Miterfinders (falls zutreffend)	Stephen M. SPAETHE Full name of second joint inventor, if any
Unterschrift des zweiten Erfinders Datum	Second Inversely January Month/
Wohnsitz	Residence
Staatsangehörigkeit	Citizenship US
Postanschrift	Post Office Address 5845 Indianola Indianapolis, IN 4622
	US

(Im Falle dritter und weiterer Miterfinder sind die entsprechenden Informationen und Unterschriften hinzuzufügen.)

(Supply similar information and signature for subsequent joint inventors.) third and PTC/SB/103 (8-96)

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Postanschrift:	Nevran, Reg. No. 31172 Send Correspondence to: Steven R. Lammert BARNES & THORNBURG
Telefonische Ausktinste: (Name und Telefonnummer)	Direct Telephone Calls to: (name and telephone number) Indianapolis, IN 46204 (317) 638-1313
	34-17-47-43-5

Vor- und Zuname des einzigen oder ersten Erfinders	third Full name of sole wife inventor James Jacob STARLING
Unterschrift des Erfinders Datum	Inventor's signature Date Day/Month/Year
Wohnsitz	Residence
Staatsangehörigkeit	Citizenship
Postenschrift	Post Office Address 1126 Hillcrest Drive Carmel, Indiana 46033
	US
Vor- und Zuname des zweiten Miterfinders (falls zutreffend)	Full name of second joint inventor, if any
Unterschrift des zweiten Erfinders Datum	Second Inventor's signature Date Day/Month/Yea
Wohnsitz	Residence DE
Staatsangehörigkeit	Citizenship DE
Postanschrift	Post Office Address "Change Lebang Com. Johann-Sebastian-Bach-Strasse 51
	D-69245 Bammental Germany (DE)

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William R. Coffey, Reg. No. 24023; Jerry E. Hyland, Reg. Ho. 20904; Richard D. Conard, Reg. No. 27321; Steven R. Lammert, Reg. No. 27653; John P. Breen, Reg. No. 38833; Mark) Sense Course Transfer

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Vor- und Zumame des einzigen oder ersten Erfinders	Full name of the Francis Inventor James Jacob STARLING
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Wohnste	Residence
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Postanschrift	Post Office Address 1126 Hillcrest Drive Carmel, Indiana 46033
	us
Vor- und Zunsme des gweiten Minefinders (falls zurreffend)	Full name of four th Gabriele JEDLITSCHE
Unterschrift des zweiten Erfinders Denom G. flattlock fly Feb. 24, 189	Second Inventor's signature
Wohnsitz	Residence DE
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	D-69245 Barmental Germany (DE)

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Wohnsitz Wohnsitz	Residence
Stattangehörigkeir	Citizenship
Postauschrift	DE
	Pest Office Address Johann-Sebastian-Bach-Strasse 51 D-69245 Banmental
	Germany (DE)
or- und Zumame des zweinen Minerfloders (falls zuweifend) Jumpfehrift des pflinge Erfloders Datum	Full page of sease joint inventor, if my
HOME VIEW . F. 24 1997	Salar TOPP . 24-27 Month/ ear
aatsangshörigkeit	Residence DE
	Citizenship
# Tattschrift	Post Office Address Im Hansel 41a
	D-69221 Dossenhelm Germany (DE)
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